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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,568	02/17/2005	Olaf Joeressen	915-006.048	2435

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EXAMINER	
YOUNG, JANELLE N	
ART UNIT	**PAPER NUMBER**
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/505,568	JOERESSEN, OLAF	
	Examiner	Art Unit	
	Janelle N. Young	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 August 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 11, 2007 has been entered.

Response to Amendment

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rachabathuni et al. (US Patent 6628938) and further in view of Focsaneanu et al. (US Patent 5828666).

As of claim 1, Rachabathuni et al. teaches a method for operating a personal mobile terminal apparatus having an application and wherein the personal mobile terminal apparatus can access at least one data connection, comprising the steps of:

obtaining properties of at least one of a number of different types of data connection accessible from the mobile terminal apparatus, characterized by adapting a configuration of the obtained application on the terminal apparatus in accordance with the information concerning a user's roaming; which reads on claimed properties, of at least one of a number of different types of data connections accessible from said mobile terminal device (Col. 4, lines 61-67 and Col. 6, line 45-Col. 7, line 20 in correspondence with Abstract; Col. 2, lines 14-29 & 57-67; Col. 3, lines 8-12; Col. 4, lines 58-67; Col. 5, lines 38-53; and Col. 6, lines 18-44 of Rachabathuni et al.).:

What Rachabathuni et al. does not explicitly teach is a data exchanger and a number of different types of data connections.

However Focsaneanu et al. teaches a data service provider; which reads on claimed data exchanger, configured to access at least one of a number of different types of data connections and an obtainer configured to obtain properties of one of said at least one of a number of different types of data connections accessible from said data exchanger (Col. 1, lines 20-63 ; Col. 2, lines 37-45; Col. 6, line 39-Col. 8, line 39; Col. 11, lines 3-13; and Col. 12, line 48-Col. 13, line 2 of Focsaneanu et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a multi-service access platform which permits the formation of a universal service network encompassing a plurality of telecommunication networks, as taught by Focsaneanu et al., in the application specific messages are specific to services provided via a wireless station transmitting the application specific message planning of Rachabathuni et al., because Rachabathuni et al. already

receiving application specific messages and user location method using user location awareness of each other or of their location while moving from one location to the other, thereby providing a mechanism to relate services to users, such as location dependent services to a single user, to location dependent services to multiple users at a single location or at different locations (Col. 3, lines 16-23 of Rachabathuni et al.).

The motivation of this combination would be the effect of the application specific messages are received as connectionless and/or connection-oriented could be used transmitted and quickly change applications, as taught by Rachabathuni et al. in Col. 2, lines 6-11, because the mobile information society many context, location and application specific services would be made available to a person carrying a handheld device such as a cell phone, a PDA or any other handheld device that is capable of communicating within a defined coverage area within a system. Only the useful portion of the data is transmitted in the transport network. The transmission format can also be adapted at the access module (e.g. rate adaptation, protocol adaptation, application, etc.) to better match the terminals, transport, or service capability available (Col. 6, line 65-Col. 7, line 3 of Focsaneanu et al.). The incorporation of a multi-service access platform with wireless station transmitting the application specific message planning would not impact the transfer speed for a number of different types of data connections accessible from said data exchanger and allow the user to indicate a change in the service request, and/or can select a different action from the access module by using a sequence of low-level signaling schemes, e.g. hook flash or DTMF, or a message-based control communications scheme (Col. 13, lines 3-12 of Focsaneanu et al.).

As of claims 2-5 & 9, Rachabathuni et al. teaches a method, wherein the properties are the identifiers; which reads on claimed identification of data connection, obtained when a data connection, is selected, and the step of selecting an appropriate data connection and a the step of determining actually data connections, is a potentially accessible data connection, and wherein the properties are obtained during the determination. (Col. 2, lines 54-63; Col. 4, lines 61-67; and Col. 6, lines 9-17 of Rachabathuni et al.)

As of claims 6 - 8, Rachabathuni et al. teaches a method, further comprising the detecting a data transfer to be performed by, step of starting an application on a personal mobile terminal apparatus prior to obtaining the properties and the step of determining active applications, and adapting configurations of the determined active applications. (Abstract; Col. 2, lines 47-53; and Col. 3, lines 1-4 of Rachabathuni et al.)

As of claim 10, Rachabathuni et al. teaches a software tool for adapting a configuration of an application of a mobile terminal, to an accessible voice, data, an/or multimedia communication; which read on claimed data connection, comprising technique; which reads on program code means, for carrying out the steps when program code of the program code means is run on a mobile terminal apparatus. (Abstract; Col. 1, lines 6-20; and Col. 6, lines 40-52 of Rachabathuni et al.)

As of claim 11, Rachabathuni et al. teaches a core program; which reads on claimed computer program, for adapting a configuration of an application of a mobile terminal to data connection, comprising program code means for carrying out the when

program code of the program code means is run on a mobile terminal apparatus' processor. (Col. 5, lines 38-43 of Rachabathuni et al.)

As of claim 12, Rachabathuni et al. teaches a database; which reads on claimed computer program product, comprising program code means stored on a ROM (Read Only Memory); which reads on claimed computer readable medium; for carrying out the method when program code of the operation of WAP applications; which reads on claimed computer program means, is run on a wireless device; which reads on claimed mobile terminal apparatus. (Col. 5, lines 18-36 of Rachabathuni et al.)

Regarding claim 13, see explanation as set forth regarding claim 1 (method claim) because the claimed wireless device or personal mobile apparatus would perform the method steps.

As of claim 14, Rachabathuni et al. teaches a wireless device; which reads on claimed apparatus, further comprising means for storing the configuration and selecting one of the at least one accessible data connections. (Col. 6, lines 30-53 of Rachabathuni et al.)

As of claim 16, Rachabathuni et al. teaches a wireless device; which reads on claimed apparatus, comprising: an access subsystem, responsive to a selection signal, for selecting at least one packet; which reads on claimed access system, from among a plurality of selectable access systems; a media selection subsystem for providing the selection beacon signal; an application subsystem having at least one application; and a configuration server, responsive to the selection signal, for selecting a wireless

communication; which read on claimed data connection, for the at least one application. (Col. 4, lines 28-67 and Col. 5, line 54- Col. 6, line 8 of Rachabathuni et al.)

As of claims 17-20, Rachabathuni et al. teaches a wireless device; which reads on claimed apparatus, wherein the selection signal is provided only if a data transfer is to be executed along with the connection being available, and the connection is available and actually required. (Abstract; Col. 2, lines 41-47; Col. 8, lines 22-29; Col. 9, lines 15-26; and Col. 10, lines 46-67 of Rachabathuni et al.).

Regarding claim 21, see explanation as set forth regarding claim 1 (method claim) because the claimed wireless device or personal mobile apparatus would perform the method steps.

As of claim 22, Rachabathuni et al. teaches a wireless device; which reads on claimed apparatus, further comprising a selector configured to select one of said at least one accessible data connections (Abstract; Col. 2, lines 14-29 & 57-67; Col. 3, lines 8-12; and Col. 4, lines 58-67 of Rachabathuni et al.).

As of claim 23, Rachabathuni et al. teaches a wireless device; which reads on claimed apparatus, further comprising a storage and/or database; which reads on claimed storer, configured to store said configuration of said at least one application for said at least one accessible data connection (Col. 4, lines 28-67 and Col. 6, line 45-Col. 7, line 20 in correspondence with Abstract; Col. 2, lines 14-29 & 57-67; Col. 3, lines 8-12; Col. 5, lines 38-53; and Col. 6, lines 18-44 of Rachabathuni et al.).

As of claim 24, Focsaneanu et al. teaches a wireless device; which reads on claimed apparatus, comprising: means, responsive to a selection signal, for selecting at

least one access system from among a plurality of selectable access systems; means for providing said selection signal; means for having at least one application; and means, responsive to said selection signal, for selecting a specific data connection for said at least one application (Col. 8, lines 6-21; Col. 10, line 57-Col. 11, line 9; Col. 13, lines 3-12; and Col. 15, lines 10-28 of Focsaneanu et al.).

As of claim 25, Focsaneanu et al. teaches a wireless device; which reads on claimed apparatus, wherein said selection signal is provided only if a data transfer is to be executed (Abstract; Col. 3, lines 27-40 & 62-67; Col. 6, line 47-Col. 7, line 2; Col. 8, lines 40-54; Col. 14, lines 10-25 & 45-61 of Focsaneanu et al.).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY
January 19, 2007

NAY MAUNG
SUPERVISORY PATENT EXAMINER